

RESOLUTION NO. 74743

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE
SPECIFYING THE COUNCIL'S DETERMINATIONS ON PROPOSED
AMENDMENTS TO THE SAN JOSE 2020 GENERAL PLAN PURSUANT
TO TITLE 18 OF THE SAN JOSE MUNICIPAL CODE**

(Fall 2008 General Plan Amendments)

WHEREAS, the City Council is authorized by Title 18 of the San Jose Municipal Code and state law to adopt and, from time to time, amend the General Plan governing the physical development of the City of San Jose; and

WHEREAS, on August 16, 1994, the City Council adopted the General Plan entitled, "SAN JOSE 2020 GENERAL PLAN, San Jose, California," dated March, 1994, by Resolution No. 65460, which has since been amended by the Council; and

WHEREAS, the original copy of the General Plan and all amendments thereto (hereinafter collectively the "General Plan") are on file in the office of the Director of the Department of Planning, Building and Code Enforcement; and

WHEREAS, in accordance with Title 18 of the San Jose Municipal Code, all General Plan amendment proposals are referred to the Planning Commission of the City of San Jose for review and recommendation prior to City Council consideration of the amendments; and

WHEREAS, on November 5, 2008, continued to November 19, 2008, the Planning Commission held a public hearing to consider the proposed amendments to the General

Plan for the Fall 2008 cycle that are listed in Exhibit "A" hereto ("Fall 2008 General Plan Review"), at which interested persons were given the opportunity to appear and present their views with respect to said proposed amendments; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission transmitted its recommendations to the City Council on the proposed 2008 Fall General Plan Amendments; and

WHEREAS, an original copy of the proposed 2008 Fall General Plan Amendments is on file in the office of the Director of Planning, Building and Code Enforcement of the City, with a copy submitted to the City Council for its consideration; and

WHEREAS, pursuant to Title 18 of the San Jose Municipal Code, public notice was given that on December 2, 2008, at 7:00 p.m., continued to December 16, 2008 at 7:00 p.m., in the Council Chambers at City Hall, 200 East Santa Clara Street, San Jose, California, the Council would hold a public hearing where interested persons could appear, be heard, and present their views with respect to the proposed Fall 2008 General Plan Amendments; and

WHEREAS, on December 2, 2008 at 7:00 p.m., continued to December 16, 2008 at 7:00 p.m., the Council held a duly noticed public hearing and gave all persons full opportunity to be heard and to present their views with respect to the proposed Fall 2008 General Plan Amendments; and

WHEREAS, the Council reviewed and considered the Negative Declarations for Project Nos. GP07-04-03, GP08-T-01 (related to PDC08-014), UGB06-001, GP06-02-02, GP08-06-01, and GP08-08-05; and

WHEREAS, prior to making its determination on the proposed Fall 2008 General Plan Amendments and Text Amendments for Project Nos. GP07-04-03, GP08-T-01, UGB06-001, GP06-02-02 (denial), and GP08-08-05; and

WHEREAS, the Council reviewed and considered those certain Environmental Impact Reports for Project Nos. GP08-04-01 and GP08-T-07; and

WHEREAS, the Council is the decision-making body for all of the proposed General Plan amendments;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE AS FOLLOWS:

SECTION 1. The Council's determinations regarding the Fall 2008 General Plan Amendments are hereby specified and set forth in Exhibit "A" attached hereto and incorporated herein.

SECTION 2. This Resolution and the Council's determinations on each of the Fall 2008 General Plan Amendments specified in Exhibit "A" shall take effect thirty (30) days following the adoption of this Resolution.

ADOPTED this 16th day of December, 2008, by the following vote:

ADOPTED this 16th day of December, 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, LICCARDO,
NGUYEN, OLIVERIO, PYLE, WILLIAMS, REED.

NOES: NONE.

ABSENT: CORTESE.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

STATE OF CALIFORNIA)
) ss
COUNTY OF SANTA CLARA)

I hereby certify that the amendments to the San Jose General Plan specified in the attached Exhibit "A" was adopted by the City Council of the City of San Jose on _____, as stated in its Resolution No. _____.

Dated: _____

LEE PRICE, MMC
City Clerk

EXHIBIT "A" ATTACHED

Exhibit A



FALL 2008 GENERAL PLAN REVIEW
General Plan Land Use and Text Amendments (Page 1 of 3)

Last Updated
12/4/2008

File Number	Location Description	Existing GP Designation	Proposed GP Designation	Staff Recommendation	Planning Commission Recommendation	Planning Commission Date	Planning Commission Vote	Council Action	Council Vote	City Council Date	Owner/ Applicant	Project Manager	Environmental Status
District 2													
UGB06-001	3.2 acres of unincorporated territory located at the northeasterly quadrant of the intersection of Piercy Road and Silicon Valley Road (formerly Tennant Road)	Outside of the Urban Growth Boundary	Proposal to modify the City's Greenline/Urban Growth Boundary (UGB) to include approximately 3.2 acres of unincorporated territory located at the northeasterly quadrant of the intersection of Piercy Road and Silicon Valley Road.	Recommend to the City Council approval of the proposal to modify the City's Greenline/Urban Growth Boundary (UGB) to include approximately 3.2 acres of unincorporated territory located generally at the northeasterly quadrant of the intersection of Piercy Road.	Recommend to the City Council approval of the proposal to modify the City's Greenline/Urban Growth Boundary (UGB) to include approximately 3.2 acres of unincorporated territory located generally at the northeasterly quadrant of the intersection of Piercy Road and Silicon Valley Road.	April 21, 2008	4-1-2 (Kinman opposed; Campos, Zito absent)	Tentatively Approved	8-2-1 (Williams and Chu against, Cortese absent)	Tentative Approval December 2, 2008; Final Resolution	Barbaccia Investments/ Jack Previte	Allen Tai	Negative Declaration
GP06-02-02 (related to UGB06-001)	3.2 acres of unincorporated territory located at the northeasterly quadrant of the intersection of Piercy Road and Silicon Valley Road (formerly Tennant Road)	Rural Residential (0.2 DU/AC) and outside of the Urban Service Area	High Density Residential (25-50 DU/AC) on a 3.2-acre site, and expand the Urban Service Area to include the 3.2-acre site.	Recommend to the City Council denial of the General Plan amendment and denial of the Urban Service Area (USA) expansion request.	Recommend to the City Council denial of the General Plan amendment request and denial of the Urban Service Area (USA) expansion request	April 21, 2008	5-0-2 (Campos and Zito absent)	Tentatively Denied (no change to the General Plan land use designation of Rural Residential (0.2 DU/AC) and maintain outside of the Urban Service Area)	8-2-1 (Williams and Chu opposed, Cortese absent)	Tentative Denial December 2, 2008; Final Resolution	Barbaccia Investments/ Jack Previte	Allen Tai	Negative Declaration
District 4													
GP07-04-03	Southeast corner between Landess Avenue and Morrill Avenue (3102 Landess Avenue, 2148 Morrill Avenue) (.96 acres)	Medium Density Residential (8-16 DU/AC) on 0.6 acres and Medium Low Density Residential (8 DU/AC) on 0.36 acres.	Neighborhood/Community Commercial	Recommend to the City Council approval of the General Plan amendment request to change the Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) on .6 acres and Medium Low Density Residential (8 DU/AC) on .36 acres to Neighborhood/Community Commercial on a .96-acre site.	Recommend to the City Council approval of the General Plan amendment request	November 05, 2008	5-0-1 (Commissioner Platten, absent)	Tentatively Approved	11-0-0	Tentative Approval December 2, 2008; Final Resolution	Klifo Family Invs LLC / Commercial Finance Corp.	Bill Roth	Negative Declaration
GP08-04-01	Southeast corner of Montague Expressway and O'Toole Avenue (1060 Rincon Circle) (8.5 acres)	Industrial Park	Combined Industrial/Commercial	Recommend to the City Council approval of the General Plan amendment request to change the Land Use/Transportation Diagram designation from Industrial Park to Combined Industrial/Commercial on an 8.5-acre site.	Recommend to the City Council approval of the General Plan amendment request	November 19, 2008	6-0-0			Scheduled for December 16, 2008	Carr NP Properties LLC and CarrAmerica Realty OP / City of San Jose	Rachel Roberts	North San José EIR Resolution No.72768, and Addenda thereto

Exhibit A



SPRING 2008 GENERAL PLAN REVIEW
General Plan Land Use and Text Amendments (Page 2 of 3)

Last Updated
11/5/2008

File Number	Location Description	Existing GP Designation	Proposed GP Designation	Staff Recommendation	Planning Commission Recommendation	Planning Commission Date	Planning Commission Vote	Council Action	Council Vote	City Council Date	Owner/ Applicant	Project Manager	Environmental Status
District 6 GP08-06-01	North side of Parkmoor Avenue approximately 1,070 feet west of Meridian Avenue, in the rear lot, (1555 Parkmoor Avenue) 2.37 acres	Medium High Density Residential (12-25 DU/AC)	General Commercial	Defer to Spring 2009	Defer to Spring 2009	November 19, 2008	6-0-0			Scheduled for December 16, 2008	Chiechi Park West III/ Hope Services, Owner / City of San Jose Housing Department, Applicant	Rachel Roberts	Negative Declaration
District 8 GP08-08-05	West side of San Felipe Road approximately 600 feet south of Della Road 0.69-acre portion and 0.92-portion of 2.98 acres	Low Density Residential (5 DU/AC)	Office on 0.69 acres and Private Open Space on 0.92 acres	Office on 0.69 acres and Private Open Space on 0.92 acres	Office on 0.69 acres and Private Open Space on 0.92 acres	November 19, 2008	6-0-0			Scheduled for December 16, 2008	Dennis Wong, Owner / Reyad Katwan, Hawkstone, LLC, Applicant	Allen Tai	Negative Declaration

Exhibit A



FALL 2008 GENERAL PLAN REVIEW
General Plan Land Use and Text Amendments (Page 3 of 3)

Last Updated
12/4/2008

File Number	Location Description	Proposed text amendment	Staff Recommendation	Planning Commission Recommendation	Planning Commission Date	Planning Commission Vote	Council Action	Council Vote	City Council Date	Owner/ Applicant	Project Manager	Environmental Status
GP08-T-01	Northeast corner of Samaritan Drive, South Bascom Avenue, south of State Route 85 (2581 Samaritan Drive)	Amend Chapter IV., Goals and Policies, page 73, Urban Design, Urban Design Policy No. 10: • SPECIFIC SITES AND GEOGRAPHIC AREA EXCEPTIONS: • On a 5.4-acre area on the northeast corner of South Bascom Avenue and Samaritan Drive, south of State Route 85, the maximum building height is 70 feet.	Recommend approval of a General Plan text amendment request to allow a change in the maximum building height from 50 feet to 70 feet above ground level on an approximately 5.4-acre site	Recommend approval of a General Plan text amendment request to allow a change in the maximum building height from 50 feet to 70 feet above ground level on an approximately 5.4-acre site	November 05, 2008	5-0-1 (Commissioner Platten, absent)	Tentative Approval	11-0-0	Tentative Approval December 2, 2008	Samaritan Medical Center	Rachel Roberts	Negative Declaration
GP08-T-07	Citywide	Director-initiated proposal to amend the San José 2020 General Plan text to create a newly defined land use designation of "Transit Corridor Commercial"	Recommend to the City Council approval of a General Plan text amendment to create a new land use designation of "Transit Corridor Commercial"	Recommend to the City Council approval of a General Plan text amendment to create a new land use designation of "Transit Corridor Commercial"	November 19, 2008	6-0-0			Scheduled for December 16, 2008	City of San Jose	Jenny Nusbaum	Addendum to San José 2020 General Plan Environmental Impact Report Resolution No. 65459

